

REMARKS

Initially, Applicant would like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as for confirming receipt of a certified copy of the priority documents upon which the claim for foreign priority is based. Applicant would also like to thank the Examiner for his consideration of each of the documents listed on the Form PTO-1449 submitted with the Information Disclosure Statement on February 9, 2006.

Upon entry of the present amendment claims 1-4, 6, 7, 12-18 and 20 will have been amended to eliminate noted informalities and to more clearly recite the patentable subject matter to which the claims are directed, while not substantially narrowing or affecting the scope of the claims. In particular, claim 1 will have been amended to further recite, *inter alia*, (a sweep control means that terminates the sweep) based on a component extracted from an output of the mixing means, the component being within a predetermined frequency band. Claim 15 will have been amended to further recite, *inter alia*, (a sweep controller that terminates the sweep) based on a component extracted from an output of the mixer, the component being within a predetermined frequency band. The amendments to claims 1-4, 6, 7, 12-18 and 20 should not be considered an indication of Applicant's acquiescence as the propriety of the outstanding rejection. Rather, Applicant has amended claims 1-4, 6, 7, 12-18 and 20 to advance prosecution and to obtain early allowance of the claims in the present application.

In the outstanding Office Action, claims 1-3, 5, 6, 8, 9, 12-17, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by OBIE et al. (U.S. Patent No. 5,038,096). Claims 4, 7, 10, 11 and 18 were rejected under 35 U.S.C. §103(a) as being

unpatentable over OBIE et al. (U.S. Patent No. 5,038,096) in view of TOMIKAWA (U.S. Patent No. 5,869,959). Applicant respectfully traverses the outstanding rejections.

OBIE is directed to a spectrum analyzer for measuring the frequency spectrum of a pulsed input signal. In this regard, OBIE teaches a trigger signal that is indicative of the active portion of the pulsed signal. In a first mode of operation of the spectrum analyzer, the timed gate mode, a user selects time periods t_1 and t_2 between which the active portion of a pulsed signal is measured. In a second mode of operation, the external gate control mode, the user selects a first time period t_1 indicating when the measurement period is to begin. The end of the measurement period is determined by the end of the trigger input signal provided by the user. (*See* column 7, lines 22-40 of OBIE). In both modes of operation of the spectrum analyzer, the period during which the pulsed signal is measured is determined by input from a user.

Claim 1 has been amended to recite a sweep control means that terminates the sweep upon a termination of a presence of the signal to be measured based on a component extracted from an output of the mixing means, the component being within a predetermined frequency band. In contrast, the sweep and data collection controller 122 disclosed by OBIE collects samples during a measurement period based on either user input for determining a number of samples or ending sample collection in response to a trigger input signal also provided by the user. That is, an indication of when to terminate the sweep is obtained from the user rather from a component extracted from an output of the mixing means as recited in claim 1. Accordingly, claim 1 is allowable, at least the reason set forth above.

Independent claim 15 is also allowable for reasons similar to the above-noted reasons for the allowability of claim 1.

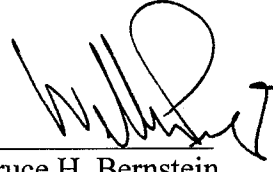
Claims 2-14 and 16-20 are allowable at least because they depend, directly or indirectly, from claims 1 and 15 respectively, which Applicant has shown to be allowable. Each of dependent claims 2-14 and 16-20 are also believed to recite further patentable subject matter. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims upon which they depend, in addition to reasons related to their own recitations.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the previously asserted rejections set forth in the Office Action of August 31, 2007 together with an indication of the allowability of claims 1-20. Such action is respectfully requested and is believed to be appropriate and proper.

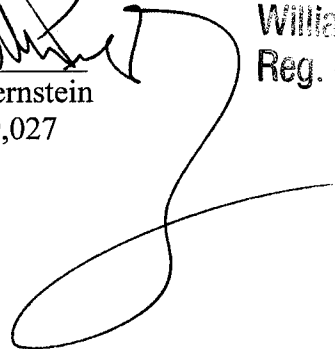
If any extension of time is deemed to be necessary to maintain the pendency of the application, including any extension of time fees for entry of an Examiner's Amendment, the Patent and Trademark Office is hereby requested and authorization is hereby provided to charge any necessary fees to maintain the pendency of this application to Deposit Account No. 19-0089.

Should the Examiner have any questions concerning this Reply or the current application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
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January 24, 2008
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